

ARGUMENTS/REMARKS

Applicants would like to thank the Examiner for the careful consideration given the present application, and for the personal interview conducted on June 2, 2004. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe and claim the subject matter which applicants regard as the invention.

Claims 1, 3, 8-10, and 15-17 remain in this application. Claims 2, 4-7, and 11-14 have been withdrawn as the result of an earlier restriction requirement.

The Examiner has acknowledged that claims 16 and 17 are directed to allowable subject matter. Claims 3 and 10 are objected to.

Claims 1, 8, 9 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gottfried *et al.* (U.S. 5,613,230) in view of Serizawa *et al.* (U.S. 5,603,113). For the following reasons, the rejection is respectfully traversed.

Claims 1, 8, 9 and 15 all recite "averaging the detected receiving signal over a predetermined period of time". As discussed at the personal interview, the reference cited by the Examiner for teaching this element fails, upon close examination, to support that assertion.

As was discussed at the interview, it is the "receiving signal" that is averaged according to these claims. In contrast, Serizawa teaches that the receiving signal is first passed through a "correlation circuit 63f" which detects a "slot synchronization signal" (see col. 8, lines 44-49, referring to Fig. 4). Further, it is the "slot synchronization signal" that is averaged (*Id.*), not a receiving signal. Thus, the reference does not teach this limitation of the claims, and thus the claims are patentable over the references. The Examiner agreed with this assessment, stating that he would reopen prosecution based on the Serizawa teaching and discussion at the interview.

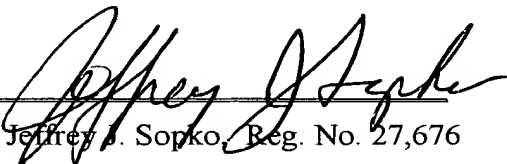
Finally, the remaining claims depend, directly or indirectly, on one of the above claims, and thus are patentable over the references for at least the same reason. Further, the Examiner has not provided the proper motivation for combining the references, and thus the rejection is improper.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 32429.

Respectfully submitted,

PEARNE & GORDON, LLP

By: 
Jeffrey J. Sopko, Reg. No. 27,676

1801 East 9th Street, Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700
June 7, 2004